LYNCH ICHIDA THOMPSON KIM & HIROTA

TIMOTHY J. HOGAN 5312-0 1132 Bishop Street, Suite 1405 Honolulu, Hawaii 96813 Tel. No. (808) 528-0100 Fax No. (808) 528-4997 E-mail: tjh@loio.com

Attorney for Plaintiff WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;) Civ. No. CV03 00385 SOM-LEK) (Copyright)
Plaintiff,)
) CERTIFICATE OF SERVICE
VS.)
HAWAIIAN EXPRESS SERVICE,)
INC., a California corporation; et al.,	
Defendants.)
	_)

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the PLAINTIFF WAYNE BERRY'S EX PARTE MOTION TO SHORTEN TIME ON PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF JACK BORJA AND RALPH STUSSI; DECLARATION OF TIMOTHY J.

HOGAN; EXHIBIT "A" AND (PROPOSED) ORDER GRANTING EX PARTE MOTION were duly served upon the following parties via hand delivery and/or first class mail, postage prepaid, and email to their last known addresses on January 4, 2006.

LEX R. SMITH, ESQ. ANNE E. LOPEZ, ESQ. Kobayashi Sugita & Goda First Hawaiian Center 999 Bishop Street, Suite 2600 Honolulu, Hawaii 96813 Attorneys for Defendant Fleming Companies, Inc. C&S Wholesale Grocers, Inc., C&S Logistics of Hawaii, LLC, C&S Acquisitions, LLC, ES3, LLC and RICHARD COHEN

Hand Delivered And Email

ERIC C. LIEBELER, ESQ. DAMIAN CAPOZZOLA, ESQ. R. OLIVIA SAMAD, ESQ. Kirkland & Ellis 777 South Figueroa Street Los Angeles, CA 90017 Attorneys for Defendant Fleming Companies, Inc.

First Class Mail, Postage Prepaid And Email

LYLE HOSODA, ESQ.
345 Queen Street, Suite 804
Honolulu, Hawaii 96813
Attorney for Defendants Mark Dillon,
Brian Christensen and Teresa Noa
Melvin Ponce, Alfredda Waiolama,
Jacqueline Rio, and Justin Fukumoto

Hand Delivered And Email

Dated: Honolulu, Hawaii, January 4, 2006.

/S/Timothy J. Hogan TIMOTHY J. HOGAN Attorney for Plaintiff WAYNE BERRY